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May 2003

ABANDONED MINE LAND RECLAMATION GEBO-CROSBY MINING DISTRICT

Decision Record and Finding of No Significant Impact — WY-010-EA3-045

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Decision Record
and
Finding of No Significant Impact
for
Reclaiming Various Abandoned Mine Land Features
of the
Gebo-Crosby Mining District

WY-010-EA3-045

Prepared by:
U.S. Department of the Interior
Bureau of Land Management
Worland Field Office, Wyoming

MAY 2003

Decision Record
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WY-010-EA3-045

Decision

My decision is to authorize reclamation activities proposed by the Wyoming Department of Environmental Quality, Abandoned Mine Land Division (AML), as amended by the Worland Field Office, Bureau of Land Management (BLM) and with the attached mitigation measures. The reclamation would include closure of four open adits, one subsidence feature, and several dozer cuts.

Rationale

The decision conforms with the land use terms and conditions of the Grass Creek Resource Management Plan (RMP) (BLM 1998) as required by 43 CFR 1610.5.

Most of the comments received during the public comment period were supportive of BLM's efforts to protect public health and safety.

PUBLIC COMMENTS AND RESPONSES ON THE ENVIRONMENTAL ASSESSMENT

Environmental Assessment WY-010-EA3-045 was available for a formal 30-day review and comment period from April 2 through May 2, 2003. All comments were carefully considered and evaluated in developing this decision record.

One individual stated that the coal slack creates a hazard because it could catch on fire and that the open mine adits should be fenced and signed.

Response: The coal slack was tested in May 2001 and found to contain no hazards to public health and safety. Field visits to the area have revealed no evidence of fire, such as clinker, in the slack piles. Options such as fencing the hazards were discussed with AML representatives. Based on past experience, it has been noted that fences and gates have a tendency to attract vandals rather than protect the public. Interpretive signs will include safety messages.

The contractor brought to our attention that feature 1 of AML site HOTS0024 was the agreed upon area where the bat grate would be installed. The EA erroneously described the open adit at Feature 2 as the area for the bat grate.

Response: Thank you for pointing out the error. The bat grate will be installed in Feature 1, which is the 3-foot by 3-foot opening with approximately a 20-foot vertical drop.

The Wyoming Game and Fish Department supported the BLM's efforts to protect public health and safety. They also commented that indirectly the proposed actions would improve surface water quality by reducing sediment loads to the Bighorn River.

Since the end of the comment period, a Memorandum of Agreement among Wyoming DEQ/AML, the Wyoming State Historic Preservation Office (SHPO), and the BLM has been initiated. This agreement is for the next phase of the project and will include plans for interpretive signs and hiking/biking trails.

The BLM will also seek input for the second phase from other interested parties such as the Hot Springs County Museum & Cultural Center and the Hot Springs County Pioneer Association.

FINDING OF NO SIGNIGICANT IMPACT (FONSI)

Based on the referenced environmental assessment, I find that the selection of the proposed action (Alternative 1) would have no significant impact on the human environment and that the preparation of an environmental impact statement (EIS) is not necessary.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with regulations contained in 43 CFR Part 4 and Form 1842-1, available at any BLM office. If an appeal is taken, your notice of appeal must be filed at the BLM Worland Field Office, P.O. Box 119, 101 south 23rd Street, Worland, WY 82401-119, within 30 days from the date of this decision. The appellant has the burden of showing that the decision appealed from is in error. This decision will remain in effect during appeal unless a written request for a stay is granted.

If you wish to file a petition (pursuant to regulation 43 CFR 4.21) for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the board, the petition for a stay must accompany your notice of appeal. The petition for a stay is required to show sufficient justification pursuant to 43 CFR 4.21(b)(1). Copies of the notice of appeal and petition for a stay must also be submitted to the Interior Board of Land Appeals, 801 North Quincy Street, Suite 300, Arlington, Virginia 22203-1710 and to the Office of the Regional Solicitor, 755 Parfet Street, Suite 151, Lakewood, Colorado 80215-5573 (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Robert B. Ross, Jr., Assistant Field Manager
Minerals and Lands, Worland Field Office

May 29, 2003
Date

MITIGATION MEASURES
FOR
ABANDONED MINE LAND RECLAMATION
GEBO-CROSBY MINING DISTRICT

The Wyoming Department of Environmental Quality, Abandoned Mine Land Division shall inform the Bureau of Land Management (BLM) of any changes/modifications to the design plan prior to execution. The authorized officer may suspend or terminate, in whole or in part, any notice to proceed which has been issued when, in his judgment, unforeseen conditions arise which result in the mitigation measures herein described being inadequate to protect the public health and safety or to protect the environment.

All roads needed for access and not requested by the BLM to remain will be reclaimed. Such roads will be deep-ripped, contoured, and seeded using the seed mix listed below.

All areas reclaimed will be contoured to match the surrounding topography as much as is practical. All slopes shall be no greater than 3:1 or flatter to prevent erosion. The areas will be seeded using the following seed mix:

Common Name	*Scientific Name*	Variety	Lbs (PLS)* per Acre
western wheatgrass	*pascopyron smithii*	Rosana	4.0
slender wheatgrass	*elymus trachycaulus*	Prior	3.0
Thickspike wheatgrass	*elymus lanceolatus*	Critana	3.0
streambank wheatgrass	*elymus lanceolatus*	Sodar	3.0
Russian wildrye	*psathyrostachys juncea*	Bozoisky	3.0
needle-and-thread	*stipa comata*		4.0
big sagebrush	*artemesia tridentata*	Wyomingensis	0.20
Blue flax	*linum lewisii*	Appar	1.0
blanket flower	*gaillardia aristata*		1.0
white yarrow	*archillea millefolium*		0.1
	Total		22.3

* pure live seed

Cultural Resources: Standard Stipulation: The operator is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historical or archaeological materials are uncovered during construction, the operator is to immediately stop work that might further disturb such materials and contact the authorized officer (AO). Within five working days the AO will inform the operator as to:

–whether the materials appear eligible for the National Register of Historic Places;

–the mitigation measures the operator will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,

–a timeframe for the AO to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction measures.

Monitoring of the reclaimed area will be conducted jointly between AML and BLM annually to ensure vegetation success. The sites will also be monitored for noxious/invasive weeds. If such weeds are located, measures will be taken by AML to treat the areas to prevent the spread.

The BLM will be responsible for monitoring the bat grate after installation and will be responsible for the repair and/or replacement of the grate if vandalized.